



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/890,273

08/09/2001

Makoto Nojima

042203

3277

38834

7590

06/08/2009

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

SURYAWANSHI, SURESH

ART UNIT

PAPER NUMBER

2115

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/890,273	Applicant(s) NOJIMA, MAKOTO	
	Examiner SURESH K. SURYAWANSHI	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/4/09 RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4 and 6-8 is/are allowed.
- 6) ☒ Claim(s) 9-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/4/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 3-4 and 6-14 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shuji (JP 10-027412¹).

4. As per claim 9, Shuji discloses a multimedia device, characterized by comprising a reproducer for reading out information from a storage medium [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD-ROM drive], an output circuit capable of outputting at least an audio signal on the basis of information read out of said reproducer [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; an audio circuit and speakers are inherent to the system], a monitoring circuit for monitoring the reproduction output state of said reproducer [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; select buttons, such as reproduction start indication], and a controller receiving a signal representing the operating state of said switch and a signal outputted by said monitoring circuit for controlling the supply of driving power to said reproducer and said output circuit on the basis of the two signals [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD control part 6].

¹ Prior art cited by applicant in the submitted information disclosure statement (dated 5/4/09).

5. As per claim 10, Shuji discloses a multimedia electronic device, characterized by comprising a reproducer for reading out information from a storage medium [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD-ROM drive], a switch for operating said reproducer [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; select buttons, such as reproduction start indication], an output circuit capable of outputting at least an audio signal on the basis of the information read out of said reproducer [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; an audio circuit and speakers are inherent to the system], a monitoring circuit for monitoring the reproduction output state of said reproducer [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; select buttons, such as reproduction start indication], and a controller receiving a signal representing the operating state of said switch and a signal outputted by said monitoring circuit for controlling the supply of driving power to said reproducer, said output circuit, and said monitoring circuit on the basis of the two signals [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD control part 6].

6. As per claim 11, Shuji discloses a multimedia electronic device, characterized by comprising a reproducer for reading out information from a storage medium [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD-ROM drive], and a controller receiving a signal outputted by said monitoring circuit for controlling the supply of driving power to said reproducer on the basis of the signal [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD control part 6].

Art Unit: 2115

7. As per claim 12, Shuji discloses a multimedia electronic device, characterized by comprising a reproducer for reading out information from a storage medium [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD-ROM drive], and a controller receiving a signal outputted by said monitoring circuit for controlling the supply of driving power to said reproducer and said monitoring circuit on the basis of the signal [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD control part 6].

8. As per claim 14, Koo discloses that said reproducer is a CD-ROM drive [Fig. 1; paragraphs 0003, 0004, 0006, 0007, 0009, 0017, 0018; CD-ROM drive].

Allowable Subject Matter

9. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

10. Claims 3-4 and 6-8 allowed.

Art Unit: 2115

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SURESH K. SURYAWANSHI whose telephone number is (571)272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Suresh K Suryawanshi/
Primary Examiner, Art Unit 2115